

1634/TPW



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Our Docket No.: NEIT0018
Sang-Wha Lee, et al.)
Serial No. 10/720,424) Art Unit: 1634
Filed: November 24, 2003) Confirmation No.: 6330
Title: GENERAL PRIMERS AND PROCESS) Examiner: Katherine D. Salmon
FOR DETECTING DIVERSE)
GENOTYPES OF HUMAN)
PAPILLOMAVIRUS BY PCR) Date: July 25, 2006

PETITION PURSUANT TO 37 CFR§1.144

Applicants hereby petition for a reversal of the restriction made final by the examiner by the Office Action dated March 23, 2006.

1. Applicants filed the instant application for patent November 24, 2003.
2. A first Office Action issued January 12, 2006.
3. The first Office Action asserted that a restriction of claims is required pursuant to 35 USC 121.
4. The first Office Action further required a further restriction to a distinct primer pair from among the sequences listed in the claims.
5. Applicant traversed the restriction requirement by response filed February 13, 2006 wherein applicants provisionally elected claims and provisionally elected sequences.
6. Applicants February 13, 2006 response referenced MPEP §803.4, and the *sua sponte* direction by the Director to partially waive the requirements of 37 CFR§1.141 *et seq.* in 1192 O.G. 68 (November 19, 1996).
7. Notwithstanding the foregoing reference to the Director's direction, the Restriction was made final by the Office Action of March 23, 2006.

8. The Office Action of March 23, 2006 made no response to applicants reference to the Director's decision, to MPEP §803.4, or 1192 O.G. 68, notwithstanding to the directive of MPEP 821.01 that if the examiner remains of the opinion that a traversed restriction is proper, the restriction should be repeated and made final, "In doing so, the examiner should reply to the reasons or arguments advanced by applicant to the traverse."

9. The Office Action of March 23, 2006 makes no reference whatsoever to MPEP §803.4, to the Director's *sua sponte* direction, or to 1192 O.G. 68 (November 19, 1996).

RELIEF REQUESTED

A. For the reasons stated by applicants in the traversal of the restriction requirement, and MPEP §803.4, to the Director's *sua sponte* direction, or to 1192 O.G. 68 (November 19, 1996), the restriction of the sequences searched to Sequence IDs 1 and 8 should be reversed, and the examiner should be directed to search the sequences chosen by applicants: Sequence IDs 1, 2, 3, 4, 6, 8, 9, 10, 11, and 12.

B. Applicants further request a refund of the petition fee for the reason that the action necessitating the instant petition is a clear violation of Patent Office policy and of the MPEP.

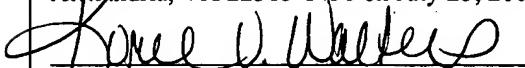
Respectfully submitted,



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CERTIFICATE OF MAILING (37 C.F.R. 1.8(a))

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Petition
Commissioner for Patents, P. O. Box 1450,
Alexandria, VA 22313-1450 on July 25, 2006.



Korie V. Walters